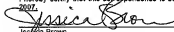


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 33401
SHEHADA, RAMEZ EMILE NECOLA,	:	Confirmation Number: 1453
et al.	:	
Application No.: 10/775,670	:	Group Art Unit: 3761
Filed: February 09, 2004	:	Examiner: GIBSON, Keshia L.
For: SURGICAL DRAIN WITH SENSORS FOR MONITORING INTERNAL TISSUE CONDITION BY TRANSMITTANCE	:	

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on Jan 18,
2007.


Jessica Brown

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the additional references listed on the attached supplemental Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this Information Disclosure Statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We are enclosing a copy of the non-patent reference.

This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before

the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;

- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

- ☐ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:

- ☐ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).


Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

Deposit Account No. 501946 referencing order number 064693-0097

January 18, 2007



Marc E. Brown, Reg. No. 28,590
Attorney for Applicant

MCDERMOTT WILL & EMERY LLP
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Fax: (310) 277-4730

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Completes if Known		
				Application Number	10/775,670	
				Filing Date	February 9, 2004	
				First Named Inventor	SHEHADA, Ramez Emile Neccola	
				Art Unit	3761	
				Examiner Name	GIBSON, Keshia	
Sheet	1	of	2	Attorney Docket Number		064693-0097

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document Number	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number -Kind Code ² (if known)		
	1	US-3,989,571	11-02-1978	HARAUTUNEIAN
	2	US-4,413,633	11-08-1983	YANDA
	3	US-4,938,218	07-03-1990	GOODMAN et al.
	4	US-4,951,699	8-28-1990	LIPMAN
	5	US-4,954,129	09-04-1990	GIULIANI et al.
	6	US-5,020,537	06-04-1991	GUNTHER
	7	US-5,097,834	03-23-1992	SKRABAL
	8	US-5,202,949	04-13-1993	HILEMAN
	9	US-5,360,414	11-01-1994	YARGER
	10	US-5,438,985	08-08-1995	ESSEN-MOLLER
	11	US-5,456,252	10-10-1995	VARI et al.
	12	US-5,476,434	12-19-1995	KALB et al.
	13	US-5,549,579	08-27-1996	BATDORF et al.
	14	US-5,586,553	12-24-1996	HALILI et al.
	15	US-6,751,499	06-15-2004	LANGE et al.
	16	US-6,809,653	10-28-2004	MANN et al.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language translation is attached.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/775,670
				Filing Date	February 9, 2004
				First Named Inventor	SHEHADA, Ramez Emile Necola
				Art Unit	3761
Examiner Name	GIBSON, Keshia				
Attorney Docket Number	064693-0097				
Sheet	2	of	2		

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	17	MAAREK et al., SPIE, Advances in Laser and Light Spectroscopy to Diagnose Cancer and Other Disease, 2135:157-165, 1994	

U.S. PATENT APPLICATION PUBLICATIONS				
Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	18	US-2002/0123674	09-06-2002	PLICCHI et al.
	19	US2003/0009110	01-09-2003	TU et al.
	20	US2004/0254432	12-16-2004	SHEHADA et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ³ - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁴
	21	WO1992/11803	07-23-1992	BAXTER INTERNATIONAL	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language translation is attached.